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#3



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/768,231	01/25/2001	Makiko Nakao	1614.1117

21171
STAAS & HALSEY LLP
700 11TH STREET, NW
SUITE 500
WASHINGTON, DC 20001



CONFIRMATION NO. 3698

FORMALITIES LETTER



OC000000005864221

Date Mailed: 03/15/2001

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) 2 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the Patent and Trademark Office (PTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(i))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the PTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the PTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the PTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the PTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the PTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid

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delays in the prosecution of the application.

A copy of this notice MUST be returned with the reply.



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Docket No. 1614.1117/HJS

Sector #3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Makiko NAKAO

Group Art Unit:

Serial No.: 09/768,231

Examiner:

Filed: January 25, 2001

For: DOCUMENT READ-OUT APPARATUS AND METHOD AND STORAGE
MEDIUM

RESPONSE TO NOTICE OF OMITTED ITEMS

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants hereby respond to the "Notice of Omitted Item(s) in a Nonprovisional Application" mailed March 15, 2001, copy enclosed, and also enclose payment of the \$130.00 Petition Fee with protest. Applicants respectfully submit that the allegedly "omitted item(s)" in fact were deposited with the USPTO with the nonprovisional application papers.

The evidence of such deposit is at least two-fold.

The front page of the "UTILITY PATENT APPLICATION TRANSMITTAL" form which forwarded the application papers for filing, copy attached, expressly states in item 3 of the "APPLICATION ELEMENTS" that a total of eight sheets of drawings were filed.

The USPTO post card receipt, copy enclosed, expressly states that the application was filed "w/8 sheets of formal drawings..." clearly indicating eight (8) sheets of formal drawings were filed and received by the USPTO.

The present application is one which was prepared by a Japanese associate patent firm and the same and was received by the firm of the undersigned in form for filing. Formal papers (i.e., transmittal forms) are prepared by undersigned firm (in this case, by the personal secretary of the undersigned attorney of record) and then assembled with the respective

"APPLICATION ELEMENTS" for review and execution by the responsible attorney; as thus assembled and executed, the "APPLICATION ELEMENTS" are photocopied and the copy set is hole punched and placed in the application file of the firm. Hence, the law firm file is a duplicate of the papers filed in the USPTO.

Applicants are supplying herewith a copy of the allegedly missing "Fig. 2", reproduced from the copy of the set of eight sheets of figures which were filed -- further evidencing that in accordance with the usual business practice of the firm, Fig. 2 was included with the set of figures transmitted to the USPTO for filing.

CONCLUSION

Accordingly, applicants respectfully submit that the allegedly omitted Fig. 2, in fact, was deposited with the USPTO with the nonprovisional application papers.

Applicants, further, respectfully submit that the application is entitled to be given a filing date of January 25, 2001, as to the entire application including Fig. 2.

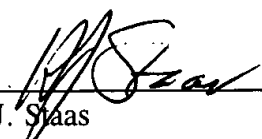
Applicants further submit that the Petition Fee of \$130.00 should be refunded since it has been shown that the allegedly missing item, in fact, was received by the PTO.

The above actions are earnestly solicited.

Respectfully submitted,
STAAS & HALSEY LLP

Date: March 26, 2001

By: _____


H. J. Staas
Registration No. 22,010

700 Eleventh Street, N.W., Suite 500
Washington, D.C. 20001
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 1614.1117

First Named Inventor or Application Identifier:

Makiko NAKAO

Express Mail Label No.

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

1. ☒ Fee Transmittal Form
2. ☒ Specification, Claims & Abstract [Total Pages: 22]
3. ☒ Drawing(s) (35 USC 113) [Total Sheets: 8]
4. ☒ Oath or Declaration [Total Pages: 3]
 - a. ☒ Newly executed (original or copy)
 - b. ☐ Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 17 completed)
 - i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
5. ☐ Applicant claims small entity status.
6. ☐ Incorporation by Reference (usable if Box 4b is checked)
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
7. ☐ Microfiche Computer Program (Appendix)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☐ Computer Readable Copy
 - b. ☐ Paper Copy (identical to computer copy)
 - c. ☐ Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) [] Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 [] Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☐ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☒ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Other:

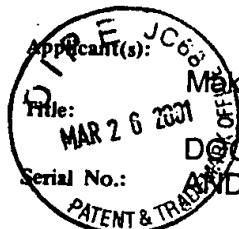
17. If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information:[] Continuation [] Divisional [] Continuation-in-part (CIP) of prior application No: 1**18. CORRESPONDENCE ADDRESS**

21171

PATENT TRADEMARK OFFICE

Please return this card, indicating receipt date and Serial No., if applicable, of the following

Filing of Application w/8 sheets of formal drawings, Decl.,
Assignment, Priority Document(s) and check for \$750.00



Applicant(s): Makiko NAKAO

Title: DOCUMENT READ-OUT APPARATUS AND METHOD
Serial No.: AND STORAGE MEDIUM

Filing Date:

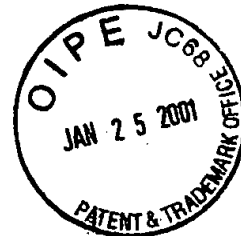
January 25, 2001

Docket No.:

1614.1117/HJS

Due Date:

February 2, 2001



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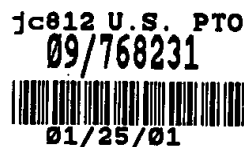
Applicant(s): Makiko NAKAO

Title: DOCUMENT READ-OUT APPARATUS AND METHOD
Serial No.: AND STORAGE MEDIUM

Filing Date: January 25, 2001

Docket No.: 1614.1117/HJS

Due Date: February 2, 2001



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Best Available Copy